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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,743	11/15/2001	Shinji Aoyama	34129	7572

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,743

Applicant(s)

AOYAMA, SHINJI

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 1 and 6, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 2-18 are rejected for reasons of at least those recited for independent claims 1 and 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

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under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-8, 10, 12, 15-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mashiko (Mashiko, Koichiro; US Patent No.: 6,249,690 B1).

Regarding claims 1 and 6, Mashiko teaches of a data backup equipment (figure 1; column 1, lines 5-10 and column 2, lines 44-47; where the storage section stores the backup data) and method (column 2, lines 56-67 and column 2, lines 1-4; where the steps clearly describe a method) for a portable telephone such as a cellular phone, a personal handy phone, a car telephone, a maritime mobile radiotelephone machine, a satellite cellular phone machine or the like (Figure 1, item 1; column 1, lines 5-10; e.g., "portable telephone" and column 2, lines 39-41) comprising a charging section (figure 1, item 10) where having a charging connection terminal to be connected to a charging terminal of the portable telephone to charge a battery in the portable telephone (figure 1, item CR1 connected to item 45; column 2, lines 35-37) and a data backup section (figure 1, item 12; column 2, lines 45-46) having an information transmission interface part (figure 1, item 11 connected to item 2 provides the interface for communication; column 2, lines 38-43; e.g., "...transmit/receive information to/from the storage portion...") to be connected to an external information instrument connection interface part of the portable telephone to read and store from the portable telephone such data as telephone numbers and others set (column 2, lines 58-64; where the information is read, stored and transferred) and

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stored through the information transmission interface part in the portable telephone (figure 1, item 3; column 2, lines 58-64; e.g., "judging...password" corresponds to reading information and "... transferring the personal information to the storage portion..." corresponding to "storing"), the data backup section characterized by automatically reading and storing the data stored in the portable telephone therefrom in association with a charging operation when the charging section begins to charge the battery in the portable telephone (column 2, lines 52-55 and 61-64; e.g., "...information management operation is automatically performed...).

Regarding claims 2 and 7, Mashiko teaches all the limitations of claims 1 and 6, respectively. Mashiko further teaches of a feedback section to feed back the data read and stored from the portable telephone by the data backup section through the information transmission interface part to the portable telephone to again store the data in the portable telephone (columns 2 and 3, lines 65-67 and 1-4, respectively; e.g., "...transferring the backup information to the storage portion of the portable information equipment...).

Regarding claims 3 and 8, Mashiko teaches all the limitations of claims 1 and 6, respectively. Mashiko further teaches where the data to be read and stored from the portable telephone by the data backup section include a control or setup function information required at least for an operation of the portable telephone (column 2, lines 40-47 and 52-57; e.g., "control portion for battery charger") and a telephone call information such as a telephone number information, an arrival telephone number information, a dispatch telephone

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number, a telephone call time or the like (columns 9 and 10, lines 66-67 and 1-3, respectively; e.g., "a phone number ID").

Regarding claims 5, 10 and 12, Mashiko teaches all the limitations of claims 1, 8 and 2, respectively. Mashiko further teaches of a data process section to automatically process the data read from the portable telephone under predetermined conditions where the feedback section feeds back to the portable telephone the data processed by the data process section (column 2, lines 62-67 and 1-4; e.g., "performing backup processing...personal information..." is inherently performed by a data process section).

Regarding claim 15, Mashiko teaches all the limitations of claim 7. Mashiko further teaches of arbitrarily selecting and setting any of the data to be read and stored from the portable telephone or the date to be fed back and again store to the portable telephone (columns 2 and 3, lines 65-67 and 1-4, respectively; e.g., "...transferring the backup information to the storage portion of the portable information equipment...").

Regarding claims 16 and 18, Mashiko teaches all the limitations of claims 7 and 15, respectively. Mashiko further teaches automatically processing the data read from the portable telephone under predetermined conditions where the processed data are feed back to the portable telephone (column 2, lines 62-67 and 1-4; e.g., "performing backup processing...personal information...").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 9, 11, 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashiko (Mashiko, Koichiro US Patent No.: 6,249,690 B1) in view of Yukinobu (Yukinobu, Sasaki; JP Pub. No.: 200-312178).

Regarding claims 4, 9 and 11, Mashiko teaches all the limitations of claims 1, 8 and 2, respectively.

Mashiko does not specifically teach of a data selection section to select and set any of the data to be read and stored from the portable telephone by the data backup section or the date to be fed back and again stored by the feedback section to the portable telephone.

In related art concerning a data memory backup system for portable telephones, Yukinobu teaches of a data selection section to select and set any of the data to be read and stored from the portable telephone by the data backup section (page 1, lines 9-14; page 2, line 1) or the date to be fed back and again stored by the feedback section to the portable telephone (page 1, lines 9-14; page 2, line 1; where the examiner selected "data" from the choices provided by the applicant).

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It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Mashiko's backup system with Yukinobu's data selection section in order to restore only the information of interest to the user.

Regarding claims 13 and 14, Mashiko in view of Yukinobu teaches all the limitations of claims 4 and 11, respectively. Mashiko further teaches of a data process section to automatically process the data read from the portable telephone under predetermined conditions where the feedback section feeds back to the portable telephone the data processed by the data process section (column 2, lines 62-67 and 1-4; e.g., ""performing backup processing...personal information..." is inherently performed by a data process section).

Regarding claim 17, Mashiko in view of Yukinobu teaches all the limitations of claim 9. Mashiko further teaches of automatically processing the data read from the portable telephone under predetermined conditions where the processed data are feed back to the portable telephone (column 2, lines 62-67 and 1-4; e.g., ""performing backup processing...personal information...").

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.


Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)

August 5, 2004

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